

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DWAYNE FAMBO,

Defendant.

ORDER
05-CR-70S

1. On May 9, 2006, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report and Recommendation recommending that the portions of Defendant's omnibus motion filed on April 18, 2005, requesting suppression of evidence be granted.

2. On June 30, 2006, the Government filed timely Objections to Judge Schroeder's Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3). After full briefing, this Court took the matter under advisement on September 13, 2006, without oral argument.

3. This Court has thoroughly reviewed *de novo* Judge Schroeder's Report and Recommendation, the Government's Objections thereto, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Schroeder's Report and Recommendation, and it concurs in his conclusions. Accordingly, the Government's Objections are denied and this Court will accept Judge Schroeder's Report and Recommendation in its entirety.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's Report and Recommendation (Docket No. 44) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the Government's Objections (Docket No. 50) are DENIED.

FURTHER, that Defendant's request to suppress evidence as contained in his omnibus motion (Docket No. 22) is GRANTED for the reasons set forth in Judge Schroeder's Report and Recommendation.

SO ORDERED.

Dated: October 17, 2006
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge